

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

<b>IN RE CAUSTIC SODA ANTITRUST LITIGATION</b>	<b>Lead Case No.: 1:19-cv-00385-EAW-MJR</b>
<b>THIS DOCUMENT RELATES TO:  INDIRECT PURCHASER ACTIONS</b>	

**INDIRECT PURCHASER PLAINTIFFS' NOTICE OF MOTION  
FOR CLASS CERTIFICATION AND APPOINTMENT OF  
CLASS REPRESENTATIVES AND CLASS COUNSEL**

PLEASE TAKE NOTICE that the Indirect Purchaser Plaintiffs hereby respectfully move this Court before the Honorable Elizabeth A. Wolford at the United States District Court for the Western District of New York, at the Kenneth B. Keating Federal Building, 100 State Street, Rochester, NY 14614, on a return date to be designated by the Court for an order certifying the following classes, and appointing class representatives and class counsel, along with such other and further relief as this Court deems just and proper. The proposed classes are defined as follows:

**State Antitrust Class:** All persons and entities who indirectly purchased from a distributor, and did not resell, liquid forms of membrane or diaphragm grade caustic soda in Arizona, California, Connecticut, Florida, Illinois, Iowa, Kansas, Maine, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, and

the District of Columbia manufactured by one or more of the Defendants or their co-conspirators (or any of Defendants' or their co-conspirators' parents, predecessors, subsidiaries or affiliates) at any time between October 1, 2015 and December 31, 2019.

**Colorado Consumer Protection Class:** All persons and entities who indirectly purchased from a distributor, and did not resell, liquid forms of membrane or diaphragm grade caustic soda in Colorado manufactured by one or more of the Defendants or their co-conspirators (or any of Defendants' or their co-conspirators' parents, predecessors, subsidiaries or affiliates) at any time between October 1, 2015 and December 31, 2019.

**Unjust Enrichment Class:** All persons and entities who indirectly purchased from a distributor, and did not resell, liquid forms of membrane or diaphragm grade caustic soda in Arizona, Hawaii, Illinois, Iowa, Maine, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, New York, Oregon, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wisconsin manufactured by one or more of the Defendants or their co-conspirators (or any of Defendants' or their co-conspirators' parents, predecessors, subsidiaries or affiliates) at any time between October 1, 2015 and December 31, 2019.

**The following groups are excluded from all three Classes:** Defendants, their co-conspirators, parents, predecessors, subsidiaries, and affiliates, and all federal government entities and instrumentalities of the federal government.

In support of this motion, the Indirect Purchaser Plaintiffs file the attached Memorandum of Law in Support of Motion for Class Certification, and Appointment of Class Representatives and Class Counsel, and the Declaration of Barbara J. Hart, Esquire, with supporting exhibits.

The Indirect Purchaser Plaintiffs intend to file and serve reply papers.

Dated: September 26, 2022

Respectfully submitted,

By: /s/ Barbara J. Hart

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2022, I caused to be served a true and correct copy of the foregoing documents on all counsel of record via electronic mail and/or the Court's ECF/Pacer system.

/s/ Barbara J. Hart

Barbara J. Hart